

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Edith Ramirez, Chairwoman**
 Julie Brill
 Maureen K. Ohlhausen
 Joshua D. Wright
 Terrell McSweeney

In the Matter of

**Jerk, LLC, a limited liability company,
also d/b/a JERK.COM, and,**

**John Fanning,
individually and as a member of
Jerk, LLC.**

DOCKET NO. 9361

FINAL ORDER

The Commission has heard this matter upon the Motion For Summary Decision filed by Complaint Counsel, and upon the briefs filed in support thereof and in opposition thereto. For the reasons stated in the accompanying Opinion of the Commission, the Commission has determined to grant the Motion For Summary Decision. Accordingly,

IT IS ORDERED that the following Order to cease and desist be, and it hereby is, entered:

ORDER

DEFINITIONS

For purposes of this order, the following definitions shall apply:

1. Unless otherwise specified, “respondents” shall mean Jerk, LLC, a limited liability company, its successors and assigns; and John Fanning, individually and as a member of the company.

2. “Customer information” shall mean information relating to consumers who purchased products or services from Jerk, LLC, including, but not limited to, a consumer’s name, address, telephone number, e-mail address, Social Security number, other identifying information, billing information, or any other data that enables access to a customer’s account (including a credit or debit card number, bank account, or other financial account).

3. “Personal information” shall mean individually identifiable information from or about an individual consumer including, but not limited to: (a) a first and last name; (b) a home or other physical address, such as a name of a street, city or town; (c) an e-mail address or other online contact information, such as an instant messaging user identifier or a screen name; (d) a telephone number; (e) a Social Security number; (f) a driver’s license number or other government-issued identification number; (g) a bank account, debit card, or credit card account number; or (h) photographs, videos, or audio files that contain an individual’s image or voice.

I.

PROHIBITION ON MISREPRESENTING MEMBERSHIP BENEFITS AND THE SOURCE OF CONTENT ON A WEBSITE

IT IS ORDERED that respondents and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device in connection with the marketing, promoting, or offering for sale of any good or service, shall not misrepresent, or assist others in misrepresenting, in any manner, expressly or by implication:

- A. the source of any content on a website, including personal information; or
- B. the benefits of joining any service.

II.

DISPOSITION OF CUSTOMER AND PERSONAL INFORMATION

IT IS FURTHER ORDERED that respondents are permanently restrained and enjoined from:

- A. Disclosing, using, selling, or benefitting from customer information that any respondent obtained prior to entry of this Order in connection with the operation of Jerk, LLC;
- B. Disclosing, using, selling, or benefitting from personal information that any respondent obtained prior to entry of this Order in connection with the operation of Jerk, LLC; and
- C. Failing to dispose of personal information and customer information in all forms in their possession, custody, or control that any respondent obtained prior to entry of this Order in connection with the operation of Jerk, LLC, within thirty (30) days after entry of this Order.

Provided, however, that information need not be disposed of, and may be disclosed, to the extent requested by a government agency or required by law, regulation, or court order.

III. MONITORING PROVISIONS

IT IS FURTHER ORDERED that respondents shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and upon request make available to the Federal Trade Commission for inspection and copying:

- A. All advertisements and promotional materials containing any representation covered by this order;
- B. All materials that were relied upon in disseminating any representation covered by this order;
- C. Complaints or inquiries relating to any website or other online service, and any responses to those complaints or inquiries;
- D. Documents that are sufficient to demonstrate compliance with each provision of this order; and
- E. Documents that contradict, qualify, or call into question any respondent's compliance with this order.

IV. ORDER ACKNOWLEDGMENTS

IT IS FURTHER ORDERED that respondents shall deliver a copy of this order to all current and future principals, officers, directors, and managers, and to all current and future employees, agents, and representatives having responsibilities with respect to the subject matter of this order, and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondents shall deliver this order to current personnel within thirty (30) days after the date of service of this order, and to future personnel within thirty (30) days after the person assumes such position or responsibilities.

V. COMPLIANCE MONITORING – JERK, LLC

IT IS FURTHER ORDERED that respondent Jerk, LLC, and its successors and assigns, shall notify the Commission at least thirty (30) days prior to any change in the corporation(s) that may affect compliance obligations arising under this order, including but not limited to a dissolution, assignment, sale, merger, or other action that would result in the emergence of a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order; the proposed filing of a bankruptcy petition; or a change in the corporate name or address. Provided, however, that, with respect to any proposed change in the corporation about which respondents learn less than thirty (30) days prior to the date such action is to take place, respondents shall notify the Commission

as soon as is practicable after obtaining such knowledge. Unless otherwise directed by a representative of the Commission in writing, all notices required by this Part shall be emailed to Debrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: In re Jerk, LLC.

VI.
COMPLIANCE MONITORING – JOHN FANNING

IT IS FURTHER ORDERED that respondent John Fanning, for a period of ten (10) years after the date of issuance of this order, shall notify the Commission of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include respondent's new business address and telephone number and a description of the nature of the business or employment and his duties and responsibilities. Unless otherwise directed by a representative of the Commission in writing, all notices required by this Part shall be emailed to Debrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: In re Jerk, LLC.

VII.
COMPLIANCE REPORTING

IT IS FURTHER ORDERED that respondents, within sixty (60) days after the date of service of this order, shall each file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form of their own compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, they shall submit additional true and accurate written reports.

VIII.
ORDER TERMINATION

This order will terminate on March 13, 2035, or twenty (20) years from the most recent date that the United States or the Federal Trade Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

- A. Any Part in this order that terminates in less than twenty (20) years;
- B. This order's application to any respondent that is not named as a defendant in such complaint; and
- C. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that the respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

Donald S. Clark
Secretary

[SEAL]
ISSUED: March 13, 2015